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OF COUNSEL  
 ANN L. CIRUSH

July 23, 2008

By Fax (212) 805-4268  
 Hon. Gabriel W. Gorenstein  
 Magistrate Judge  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, NY 10007

Re: Great Northern Insurance Co. v.  
 Blue Anchor Line, et al.  
 Case No.: 08 Civ. 03308

*The pre-motion conference  
 required is waived for  
 this proposed motion.*

SO ORDERED: DATE 7/24/2008

GABRIEL W. GORENSTEIN  
 UNITED STATES MAGISTRATE JUDGE

Dear Judge Gorenstein:

On behalf of some of the defendants in the above matter, to wit, Blue Anchor Line named separately and as Blue Anchor Line, a Division of Transpac Container System, Ltd., Kuehne & Nagel, Inc. and Kuehne & Nagel, S.A., permission is respectfully requested to make a motion to dismiss the Complaint against these defendants in the above matter. If the court should direct a pre-motion conference, I expect to be out of New York from July 31-August 8 and request that it not be scheduled during that time period.

The case is brought for cargo damages to shipments of wine sent from Spain to the United States. Blue Anchor Line, a non-vessel operating common carrier, issued bills of lading to the shipper, predecessor in interest to the plaintiff insurer. Terms and conditions of the Blue Anchor Line bill of lading provide that all disputes are to be settled by the Courts in and in accordance with the laws of Hong Kong. Specifically, no proceedings may be brought before other Courts unless otherwise agreed to by the parties. Additional provisions of Blue Anchor Line bills of lading extend its protections to its servants and agents, in this case Kuehne & Nagel, Inc. and Kuehne & Nagel, S.A.

This letter is being forwarded by fax to counsel for the plaintiff and for defendant, Hanjin Shipping Co., Ltd. I am not aware of the appearance of counsel on behalf of the defendant, Container Port Group, Inc.

Thank you for your consideration.

Very truly yours,

*Ernest H. Gelman*  
 Ernest H. Gelman

EHG/chc